

## SENATE BILL No. 323

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 14-22-10-6.

**Synopsis:** Liability for wild animals killed by pollutants. Amends the law under which the director of the department of natural resources may recover damages from a person for causing the death of wild animals through a release of waste materials or chemicals to provide that the director may not recover damages from a person who is alleged to have caused the death of wild animals through a release of waste materials or chemicals if an agency of state government other than the department of natural resources has investigated the release of waste materials or chemicals and the agency's investigation did not identify the person as a party responsible for the death of the wild animals.

**Effective:** July 1, 2014.

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January 14, 2014, read first time and referred to Committee on Agriculture and Natural Resources.

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Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

## SENATE BILL No. 323

A BILL FOR AN ACT to amend the Indiana Code concerning natural resources.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 14-22-10-6 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) A person who,  
3 whether or not the person has been issued a certificate of approval,  
4 license, permit, or other document of approval authorized by this article  
5 or any other Indiana law, discharges, sprays, or releases waste  
6 materials, chemicals, or other substances:  
7 (1) either accidentally, negligently, or willfully;  
8 (2) in any quantity, concentration, or manner onto or in any water  
9 of Indiana, the boundary waters of the state, or onto or in public  
10 or private land; and  
11 (3) so that wild animals are killed as a result;  
12 is responsible for the kill.  
13 (b) The director shall, in the name of the state, recover damages  
14 from ~~the~~ a person described in subsection (a). **However, the director**  
15 **may not recover damages from a person under this section for the**  
16 **death of wild animals if an agency of state government other than**



1 the department, including the department of environmental  
2 management and the office of state chemist, has investigated the  
3 discharge, spray, or release of waste materials, chemicals, or other  
4 substances through which the person is alleged to have caused the  
5 death of the wild animals and the result of the agency's  
6 investigation did not identify the person as a party responsible for  
7 the death of the wild animals.

8 (c) Upon receipt of the estimates of the damages caused by a  
9 person described in subsection (a), the director shall notify the  
10 attorney general. ~~(c) The attorney general shall notify the persons~~  
11 ~~responsible for the destruction of wild animals in question~~ person  
12 described in subsection (a) and may effect a settlement that the  
13 attorney general and the director consider proper and reasonable. If a  
14 settlement is not reached within a reasonable time, the attorney general  
15 shall bring a civil action to recover the ~~damage~~ damages from the  
16 person described in subsection (a) in an appropriate court in the  
17 county in which the discharge of material responsible for the death of  
18 wild animals took place.

19 (d) The proceeds of a recovery shall be used to replace, as far as and  
20 as promptly as possible, in whatever manner the director considers  
21 proper, the wild animal population or habitat in the waters or lands in  
22 question. If the improvement of the wild animal population or habitat  
23 in question is not practicable, the proceeds shall be deposited into the  
24 fish and wildlife fund.

